

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JASMINE BATTLE,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-05-0019-HE
)	
JOHN WHETSEL, ET AL.,)	
)	
Defendants.)	

ORDER

This case is before the court on the Supplemental Report and Recommendation of Magistrate Judge Valerie K. Couch. [Doc. #75]. Plaintiff, a state detainee appearing pro se, brings this action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Couch for review. On June 8, 2006, Judge Couch issued her Supplemental Report and Recommendation, recommending that the motion for summary judgment filed on behalf of defendants Board of County Commissioners of Oklahoma County, Jim Roth, Jack Cornett and Stan Inman, and Sheriff John Whetsel [Doc. #64] be granted based on the issue of exhaustion of administrative remedies, that the motion for summary judgment filed on behalf of defendants Oklahoma City Police Officers Stupka, Wilson and Ricketts [Doc. #69] be granted on the basis of qualified immunity and that the claims raised against all remaining defendants be dismissed for failure to exhaust administrative remedies.

Plaintiff has not filed an objection to the Report and Recommendation. Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real


Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a).

For this reason, and for the reasons contained in the Report and Recommendation, the court concludes the pending motions should be granted and that the remaining defendants should be dismissed.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety. The motion for summary judgment filed on behalf of defendants Board of County Commissioners of Oklahoma County, Jim Roth, Jack Cornett and Stan Inman, and Sheriff John Whetsel [Doc. #64] is **GRANTED** on the issue of exhaustion of administrative remedies and plaintiff's claims against those defendants are **DISMISSED** without prejudice. In addition, the motion for summary judgment filed on behalf of defendants Oklahoma City Police Officers Stupka, Wilson and Ricketts [Doc. #69] is **GRANTED** on the basis of qualified immunity. Finally, the claims raised by plaintiff against all remaining defendants are **DISMISSED** without prejudice for failure to exhaust administrative remedies.

IT IS SO ORDERED.

Dated this 17th day of July, 2006.



JOE HEATON
UNITED STATES DISTRICT JUDGE